

Message Text

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P 092258Z JUN 78
FM SECSTATE WASHDC
TO AMEMBASSY TEHRAN PRIORITY

CONFIDENTIAL STATE 147548

EXDIS

E.O. 11652: GDS

TAGS: PFOR, MNUC, ENRG, IR

SUBJECT: US-IRAN NUCLEAR COOPERATION AGREEMENT: REPRO-
CESSING

REF: TEHRAN 5438

1. WE REGRET THAT MANZOOR AND ETEMAD HAVE NOT ACCEPTED
"TIME FRAME" LIMITATION AND WE FULLY AGREE WITH EMBASSY
VIEW THAT MANZOOR'S LANGUAGE PARA 4 REFTEL IS CLEARLY UN-
ACCEPTABLE.

2. FYI. WE RECOGNIZE THAT THE PROVISION THAT BOTH PARTIES
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PAGE 02 STATE 147548

MUST AGREE THAT IRAN'S NUCLEAR PROGRAM IS "COMPARABLE CIR-
CUMSTANCES" WOULD GIVE US SOME CONTROL OVER REPROCESSING
AS REQUIRED BY THE LAW AND FLEXIBILITY IN EXERCISING THIS
CONTROL. WE ARE CONCERNED, HOWEVER, THAT IRAN COULD IN-
TERPRET ALMOST ANY US REPROCESSING APPROVAL IN "SPECIAL
SITUATIONS" AS HAVING BEEN TAKEN TO ACCOMMODATE THE CON-
CERNED STATE'S "FUEL CYCLE MANAGEMENT", AND THAT DOWN THE

ROAD IRAN COULD BELIEVE THEIR CIRCUMSTANCES ARE COMPARABLE TO "SPECIAL SITUATIONS" WHICH ARE DEALT WITH IN THE NEAR-TERM. MOREOVER, IN THE MEANTIME, OTHER TECHNOLOGICAL OR INSTITUTIONAL APPROACHES TO THE FUEL CYCLE COULD PROVE MORE FEASIBLE AND PROLIFERATION RESISTANT. THUS, THIS

FORMULATION MAY PLANT SEEDS FOR SERIOUS DISAGREEMENTS BETWEEN US IN THE FUTURE AND LESSEN CHANCES OF TAKING ADVANTAGE OF POSSIBLE BENEFICIAL DEVELOPMENTS FROM A NON-PROLIFERATION POINT OF VIEW. MOREOVER, WE QUESTION WHETHER IRAN WOULD AGREE TO A JOINT DETERMINATION ON WHETHER "COMPARABLE CIRCUMSTANCES" EXIST, AND IF THIS IS WRITTEN OUT OF THE LANGUAGE WE WOULD HAVE NO PROTECTION AT ALL.

3. WE DO NOT SHARE YOUR VIEW THAT THE "SAME" TIME FRAME" FORMULATION IS INCONSISTENT WITH OUR PLEDGE TO GIVE IRAN "MFN" TREATMENT. WE BELIEVE THERE IS A CLEAR CONSISTENCY BETWEEN THE US FORMULATION AND MFN BECAUSE MFN TREATMENT IS COMMONLY CONSIDERED TO APPLY TO A GIVEN SET OF CIRCUMSTANCES AT A PARTICULAR POINT IN TIME, (I.E., WE WILL GIVE "A" WHAT WE ARE CURRENTLY GIVING "B" RATHER THAN WE WILL TREAT "A" THE SAME WAY AS WE TREATED "B" IN THE PAST). END FYI.

4. ACTION REQUESTED: WE BELIEVE THAT TIME HAS COME FOR
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PAGE 03 STATE 147548

REPRESENTATION TO GOI POLITICAL LEVEL. WE ARE CONCERNED THAT, WITH AGREEMENT CLOSE AT HAND, GOI IS REOPENING OLD ISSUES, I.E. RETRANSFER PROVISIONS, WHICH HAVE BEEN DEALT WITH (AND AGREED UPON) PREVIOUSLY. WE BELIEVE OUR FORMULATION ON REPROCESSING PROVIDES ADEQUATE RESPONSE TO IRANIAN CONCERNS ABOUT FUTURE OF THEIR NUCLEAR ENERGY PROGRAM. DEPARTMENT THEREFORE REQUESTS THAT YOU, PRIOR TO HOME LEAVE, REVIEW STATUS OF NEGOTIATIONS AT APPROPRIATE POLITICAL LEVEL. WE HOPE THAT MORE FLEXIBILITY EXISTS THERE.

5. WE HAVE BEEN INSTRUCTED TO REQUEST WHITE HOUSE APPROVAL FOR ANY ALTERNATIVE REFORMULATIONS ONLY WHEN AND IF ALL POSSIBILITY OF OBTAINING IRANIAN AGREEMENT TO THE "SAME TIME FRAME" QUALIFICATION HAS BEEN EXHAUSTED. WE DO NOT BELIEVE THAT WE CAN CONTEND THAT THIS IS THE CASE UNTIL THE ISSUE HAS BEEN RAISED TO THE PRIME MINISTER OR THE SHAH. IN FURTHER DISCUSSIONS WITH GOI ON THIS ISSUE YOU SHOULD NOTE THAT OUR AGREEMENT TO DROP GENERAL MFN PROVISION HAS BEEN CONDITIONED UPON ACCEPTANCE OF "TIME FRAME" FORMULATION. VANCE

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